

# PATENT COOPERATION TREATY

## PCT

### NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C. 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

02 November 1999 (02.11.99)

International application No.

PCT/EP99/02171

Applicant's or agent's file reference

18222P WO

International filing date (day/month/year)

30 March 1999 (30.03.99)

Priority date (day/month/year)

09 April 1998 (09.04.98)

Applicant

SCHENDEL, Dolores et al

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

03 September 1999 (03.09.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

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Authorized officer

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 18222P WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/02171	International filing date ( <i>day/month/year</i> ) 30 March 1999 (30.03.99)	Priority date ( <i>day/month/year</i> ) 09 April 1998 (09.04.98)
International Patent Classification (IPC) or national classification and IPC C07K 14/705, C12N 15/12, 15/63		
Applicant SCHENDEL, Dolores		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of            sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 03 September 1999 (03.09.99)	Date of completion of this report 31 January 2000 (31.01.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/02171

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-24, as originally filed,  
 pages \_\_\_\_\_, filed with the demand,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. 1-26, as originally filed,  
 Nos. \_\_\_\_\_, as amended under Article 19,  
 Nos. \_\_\_\_\_, filed with the demand,  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/fig 1/8-8/8, as originally filed,  
 sheets/fig \_\_\_\_\_, filed with the demand,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 99/02171

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement			
Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	1-26	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

### 2. Citations and explanations

1.) The present application pertains to a method for expressing T cell receptors in human T cells and vectors suitable therefor.

#### 2.) Novelty and Inventive Step

None of the documents cited in the international search report describes the subject of the present application and of Claims 1 to 26. Therefore, the subject of said claims is to be regarded as novel (PCT Article 33(2)).

Further, the subject of Claims 1 to 26 is also not suggested by the relevant prior art. Therefore, the subject of Claims 1 to 26 appears to involve an inventive step (PCT Article 33(3)).

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

### 3.) Clarity (PCT Article 6)

The wording "at least one part" in Claim 1 is unclear because it does not provide any information about the length of this part, which is, however, necessary for the production of a functional TCR.

The reference in Claim 16 to Claim 13 is incorrect, because Claim 13 not does concern a base vector, but rather a TCR expression vector.